

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Jason Wayne Childs, ) Civil Action No.: 2:13-1356-MGL  
                          )  
                          Plaintiff, )  
                          )  
                         vs. )                          **ORDER AND OPINION**  
                          )  
                          )  
Rex Dean Penland, )  
                          )  
                          )  
                         Defendants. )  
                          )  
\_\_\_\_\_

Plaintiff Jason Wayne Childs (“Plaintiff”), a federal prisoner proceeding *pro se* and *in forma pauperis*, is currently incarcerated at the Federal Correctional Institution Estill (“FCI Estill”). The matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bruce Howe Hendricks made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B) D.S.C. On June 28, 2013, Judge Hendricks issued a Report and Recommendation recommending *inter alia* that the court dismiss Plaintiff’s complaint without prejudice and service of process. (ECF No. 17.)

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 17 at 11.) However, Plaintiff filed no objections and the time for doing so expired on July 15,

2013. In the absence objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee's note).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference and this action is DISMISSED without prejudice and without service of process. Any outstanding motions are deemed moot.

IT IS SO ORDERED.

/s/Mary G. Lewis  
United States District Judge

Spartanburg, South Carolina  
July 25, 2013